

**IN THE SUPREME COURT OF MISSISSIPPI*****MISSISSIPPI COMMISSION ON  
JUDICIAL PERFORMANCE******PETITIONER******v.*****NO. 2015-JP-00996-SCT*****JUDGE DAVID SHOEMAKE******RESPONDENT*****COMMISSION'S RESPONSE TO RESPONDENT'S  
MOTION TO AMEND THE ORDER OF ARGUMENT**

COMES NOW the Mississippi Commission on Judicial Performance, ("Commission"), pursuant to Section 177A of the Mississippi Constitution of 1890, as amended, the Rules of the Mississippi Commission on Judicial Performance, and the Mississippi Rules of Appellate Procedure, and files its Response to Respondent's Motion to Amend the Order of Argument. In support thereof, the Commission would show unto this Court the following:

1. By letter dated October 2, 2015, this Court granted Respondent's request for oral argument. The Commission has not requested oral argument in this matter. Oral argument is currently set for December 8, 2015 at 1:30 p.m.

2. The Commission is filing this response in order to correct several incorrect statements made by Respondent in his motion. Throughout Respondent's present motion, Respondent incorrectly refers to himself as "Appellee" and incorrectly refers to the Commission as "Appellant." Rule 10 of the Rules of the Mississippi Commission on Judicial Performance clearly states that the Commission is the "petitioner" and the judge

is “Respondent.” Rule 10D. Respondent’s statement in paragraph 4 of his motion that “the Commission is automatically listed as an appellant for purposes of such action . . .” is incorrect. (See Motion p. 2). Respondent’s statement in paragraph 6 of his motion that the Commission filed an “Appellant’s brief” is incorrect. *Id.*; Rule 10D.

WHEREFORE, PREMISES CONSIDERED, Counsel for the Commission are comfortable arguing this case in whatever order the Court deems appropriate.

Respectfully submitted, this the 16<sup>th</sup> day of November, 2015.

MISSISSIPPI COMMISSION ON  
JUDICIAL PERFORMANCE

BY: /s/ Darlene D. Ballard  
Darlene D. Ballard  
Executive Director

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CERTIFICATE OF SERVICE

In compliance with Rule 25(d) of the Mississippi Rules of Appellate Procedure, I, Darlene D. Ballard, Executive Director for the Mississippi Commission on Judicial Performance, do hereby certify that I have this date electronically filed the foregoing COMMISSION’S RESPONSE TO RESPONDENT’S MOTION TO AMEND THE

ORDER OF ARGUMENT with the Clerk of the Supreme Court of Mississippi using the  
MEC system which sent notification to the following:

William H. Jones, Esq.  
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Further, I hereby certify that I have hand delivered the document to the following  
non-MEC participants:

Judge Lee J. Howard  
Commission Vice Chairman  
660 North Street, Suite 104  
Jackson, Mississippi 39202

This the 16th day of November, 2015.

/s/ Darlene D. Ballard  
Darlene D. Ballard